

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
D E P A R T M E N T O F H E A L T H



*Safe and Healthy Lives in Safe and Healthy Communities*

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS,  
DEPARTMENT OF HEALTH,  
BOARD OF MEDICAL LICENSURE AND  
DISCIPLINE

In the matter of  
Barry Kottler, M.D.

No. C98-264

CONSENT ORDER

The Board, having been advised by BARRY M. KOTTLER, M.D., (hereinafter "the Respondent") who holds a license to practice medicine in the State of Rhode Island, that he has pled guilty in the United States District Court for the Eastern District of Washington to a crime involving moral turpitude and that he will voluntarily surrender his license to practice medicine in the State of Rhode Island, hereby makes the following:

Findings of Fact

1. The Respondent advised the Board that he had pled guilty to a felony in the United States District Court for the Eastern District of Washington on August 6, 1998.
2. The Respondent is guilty of Unprofessional Conduct as defined by R.I.G.L. 5-37-5.1(3) for conviction of a felony.

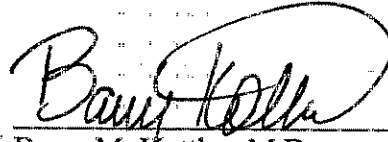
**The parties agree as follows:**

- (1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. MD9093.
- (2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
- (3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (4) Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Board;
  - b. The right to produce witnesses and evidence in his behalf at a hearing;
  - c. The right to cross examine witnesses;
  - d. The right to have subpoenas issued by the Board;
  - e. The right to further procedural steps except for specifically contained herein;
  - f. Any and all rights of appeal of this Consent Order;
  - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

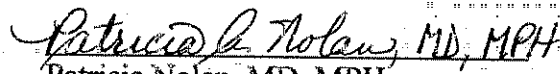
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
  - i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
- (5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.
- (6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) The Respondent voluntarily surrenders his license to practice medicine in the State of Rhode Island.

Signed this 9<sup>th</sup> day of December, 1999.

  
Barry M. Kottler, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on January 12, 2000.  
~~1999~~

  
Patricia Nolan, MD, MPH  
Director of Health  
Chairperson  
Board of Medical Licensure and  
Discipline